

..TITLE

Vote on a request by Mark Ashness, P.E. on behalf of Pea Ridge Developers, LLC to approve subdivision First Plat review and approval of Firefly Overlook, consisting of 30 lots on 75.2 acres, located at the corner of Seaforth Road (SR-1941) and N. Pea Ridge (SR-1700), parcels 18070 and 17531.

..ABSTRACT

Action Requested:

Vote on a request by Mark Ashness, P.E. on behalf of Pea Ridge Developers, LLC to approve subdivision First Plat review and approval of Firefly Overlook, consisting of 30 lots on 75.2 acres, located at the corner of Seaforth Road (SR-1941) and N. Pea Ridge (SR-1700), parcels 18070 and 17531.

Introduction & Background:

Zoning: R-1

Water System: Private Water

Sewer System: Private on-site

Subject to 100-year flood: No special flood hazard area within the development.

General Information:

The subdivision process is a four (4) step process: Concept Plan, First Plat, Construction Plan, and Final Plat. The applicant has completed the community meeting and the Concept Plan review. The minimum lot size requirement for the project is 40,000 square feet of useable area. The Planning Board has two (2) meetings in which to act on the proposal.

Discussion & Analysis:

The request is for First Plat review and recommendation of Firefly Overlook, consisting of 30 lots on 75.5 acres, corner of N. Pea Ridge Road, SR-1700 and Seaforth Road SR-1941, parcels numbers 18070 and 17531. A vicinity map showing the property location, is included in the agenda packet. Per the Subdivision Regulations, Section 5.2C(4), a Public Hearing shall be held at the first Planning Board meeting to receive comments on the proposed subdivision. Item (b) states that following the Public Hearing, the Planning Board shall review the proposal, staff recommendation, and public comments and indicate their recommendation for approval, disapproval or approval subject to modifications. As stated above the Planning Board has two (2) meeting to act on the proposal.

Roadways: Firefly Overlook, Whitesound Way, and Green Turtle Lane are proposed to be built with a 20-foot-wide travel way and a 50-foot-wide public right-of-way and is to be state maintained

Historical: The applicant contacted Sy Robbins and Bev Wiggins, Chatham County Historical Association (CCHA), on August 31, 2022 via email correspondence. There's a 10x10 rubble shelter on the property. An email dated November 14, 2022 from Bev

Wiggins inquiring about a possible half acre cemetery within the proposed project.

(Email correspondence link

<https://www.chathamcountync.gov/home/showpublisheddocument/62187/638046349725394327>) Mr. Ashness stated the cemetery was behind the church that was part of the original 80 acres.

Schools: Notification of the proposed development was provided to the Chatham County School System. Mr. Randy Drumheller, Chatham County Schools Director of Maintenance and Construction corresponded by email dated September 1, 2022.

General Environmental Documentation: The developer submitted the General Environmental Documentation and a letter dated August 25, 2022, from North Carolina Department of Natural and Cultural Resources Natural Heritage Program to Chatham County Land & Water Resources Division for review. The letter states “A query of the NCNHP database, indicates that there are no records for rare species, important natural communities, natural areas, and/or conservation/managed areas within the proposed project boundary Please note that although there may be no documentation of natural heritage elements within the project boundary, it does not imply or confirm their absence; the area may not have been surveyed.”

Rachael Thorn, Watershed Protection Director, reviewed the information submitted. Ms. Thorn replied in a letter dated September 14, 2022 that the requirement has been met. Additional comments included any Allowable uses and Allowable with Mitigation uses in the protected riparian buffer will require a Buffer Authorization from Chatham County, all permits with wetland and stream impacts from NC Division of Water Resources and the US Army Corps of Engineers will need to be obtained prior to receiving approval from Chatham County for a Grading Permit and Land Disturbing Permit. GED approval letter <https://www.chathamcountync.gov/home/showpublisheddocument/62097/638035812831200000>

Community Meeting: A community meeting was held on August 31, 2022 at Chatham County Public Library, 197 NC Highway 87, Pittsboro. Approximately eighteen (18) people attended the meeting. Items/issues discussed included:

- Will there be an HOA?
- Will there be lighting? Have they considered “dark skies” policy?
- Will lots be sold to individuals or to builders?
- Has the soil been tested for septic?
- Concerns with Turtle Creek flooding Seaforth Road.
- Concerns with neighboring wells and the depth of the new wells

- What type of septic systems to be installed?
- Will County water be extended?
- Will there be high speed internet?
- What type of amenities for the development?
- When will homes be constructed?
- Will the site be clearcut?
- What will be done about stormwater run-off?

Technical Review Committee: The TRC met virtually on November 16, 2022 to review the First Plat submittal. The applicant Mark Ashness, P.E. and applicant were present. Items discussed included:

- Will there be street lighting? *Mr. Ashness stated, some street lighting will be within the project.*
- What are the setbacks? *Standard setbacks*
- If the buffer crossing was within the 75-degree and 105-degree threshold – *Mr. Ashness stated they can provide that as required*
- Driveway buffer crossing for lot 14 it is not perpendicular, the driveway can be adjusted to come up lots 15, 16, or 17 – *Mr. Ashness stated they will adjust the driveway and have it come between Lot 15, 16, or 17.*
- Road names are reserved for approval
- Closest water point on North Pea Ridge Road is Cross Wind Estates on Hwy 64, hydrants at Seaforth High School and Jordan Lake, quite a way to shuttle water to a structure fire
- Cemetery behind the church may be part of project – *Cemetery is behind the church per Mr. Ashness*
- Sight distance at proposed location found to not meet minimum requirements based on NCDOT field visit. NCDOT advised to move the driveway connection up to a location 395 LF W of the centerline of the intersection with Seaforth Rd (basically, to the crest of the vertical curve) to achieve sight distance
- Increase right-of-way to 60' wide
- Use a widened entrance
- NCDOT doesn't anticipate the need for roadway improvements

Septic: A soils report and map, was submitted to James Tiger, On Site Wastewater Supervisor, REHS, with Chatham County Environmental Health, for review. Mr. Tiger stated he had concerns with Lots 3, 10, 13 and 27 and any lot with less than 12,000

square feet of useable soils area. All other lots should have adequate area per the soils report.

Water: Each lot will have individual wells.

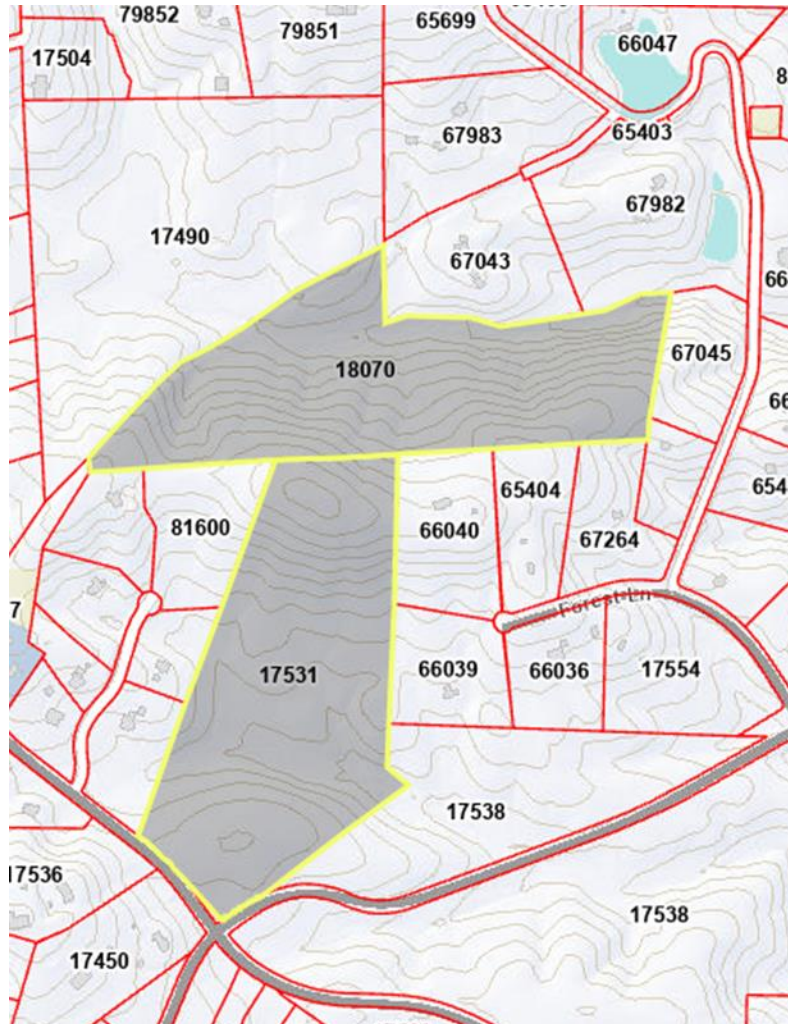
Road Name: The road names Firefly Overlook, Whitesound Way, and Green Turtle Lane have been approved by Chatham County Emergency Operations Office as acceptable for submittal to the Board of Commissioners for approval. Soil Report <https://www.chathamcountync.gov/home/showpublisheddocument/62101/63803581687740000> and email correspondence <https://www.chathamcountync.gov/home/showpublisheddocument/62103/638035818340670000>

Water Features: Rhiannon Graham with Terracon, submitted the Riparian Buffer Review Application along with a riparian buffer map, to Drew Blake, Asst. Director Watershed Protection Dept. for review. Mr. Blake and staff member of Terracon completed an on-site riparian buffer review on July 14, 2022, to verify the consultant's findings. Mr. James Lastinger with the U.S. Army Corps of Engineers has not visited the site, he has provided an email dated October 20, 2022 he received the request July 26, 2022 and plans to approve the Preliminary Jurisdictional Determination but hasn't had the opportunity to complete the request. Mr. Blake issued a report of his findings dated July 22, 2022, confirming one (1) ephemeral stream, three (3) intermittent streams, three (3) perennial streams, and nine (9) potential wetlands were identified. The one ephemeral stream requires 30- ft buffers, three (3) intermittent streams require 50-ft buffers, the three (3) perennial streams require 100-ft buffers, and the nine (9) wetlands require 50-ft buffers from all sides landward. Riparian buffer report <https://www.chathamcountync.gov/home/showpublisheddocument/62089/63803581105770000>

Stormwater and Erosion Control: Three stormwater devices are proposed and will be placed in open space. The devices are located between Lots 29 and 30 and between Lots 17 and 18. As part of the stormwater permitting process additional information will be provided to the Watershed Protection Department. A Stormwater Permit and Sedimentation & Erosion Control Permit will be obtained from the Chatham County Watershed Protection Department prior to Construction Plan submittal. No land disturbing activity can commence on the property prior to obtaining Construction Plan approval.

Site Visit: The site visit scheduled for November 29, 2022 and December 1, 2022. At the time of preparing the notes for Planning Board packets staff has not visited the site. Pictures of the site visit may be viewed on the Planning Department webpage at

www.chathamcountync.gov/planning, Rezoning and Subdivision Cases, 2022 and will be available after the site visit.



Planning Board:

Planning Board met December 6, 2022. Mr. Mark Ashness, P.E. was present on behalf of the developer and provided a brief overview of the proposed project. Board members discussed the following:

- Is the stream crossing for Lot 14 a perennial or intermittent? Perennial stream with 100' buffer per Mr. Ashness
- Concerns about Lots 3, 10, 13, and 27 septic and what's being done to ensure there are suitable soils? *Mr. Ashness stated we have a reputable soil scientist and we trust his work and report. The square footage of those lots in his report exceeded the requirements. If there is any reason we cannot achieve this during the permitting, then a lot would need to go away, but we do not anticipate that need.*

- The first stream crossing is rather significant, what are the plans for the crossing and alleviating any flood concerns? *The crossing will be where two streams connect into one larger stream, this area is where the stream shallows out and is often dry.*
- Concerns about the project not be located near a water source in the event of fire, but this is common with in Chatham County.
- How much land disturbance for the State regulated septic systems? *Per Mr. Ashness, it the same a conventional system.*

After the Planning Board meeting Planning staff received an email from Mr. Edding Wilson. Mr. Wilson expressed concerns with the number of homes on wells and if the water table would allow without wells going dry, if the developer would find individual perk sites for each lot, if strom runoff damages Turtle Creek Drive who is responsible for the damages, and if the Army Corp of Engineers has sign off on the project.

How does this relate to the Comprehensive Plan:

Plan Chatham was adopted by the Board of Commissioners in November 2017 and is a comprehensive plan that provides strategic direction to address the most pressing needs in the county. The proposed conventional subdivision is in an area of the county identified as Rural on the Future Land Use and Conservation Plan Map (Land Use Strategy 5.2). The description for rural includes single family homes on large lots, low density development, mix use of agriculture, home-based and small-scale businesses, open space, greenway trails, protected lands, and conservation easements.

The proposed subdivision meets the adopted riparian buffer and stormwater control standards of the county. The developer also contacted the NC Natural Heritage Program to review their database for any rare species, important natural communities, natural areas, or conservation/managed areas within the project boundary and no rare species were identified in their records. It should be noted that Plan Chatham is not intended to be used as a regulatory tool but is a policy document. When reviewing subdivision applications, the boards can use the plan as a tool to identify future regulatory changes.

Recommendation:

The Planning Department and Planning Board by unanimous vote (9-0) recommends granting approval of the road names Firefly Overlook, Whitesound Way, and Green Turtle Lane and granting approval of subdivision First Plat for **Firefly Overlook** with the following conditions:

1. Approval of the First Plat shall be valid for a period of twelve (12) months following the date of approval by the Board of Commissioners and the Construction Plan approval shall be valid for a period of twenty-four (24)

months from the date of approval by the Technical Review Committee or Board of Commissioners.

2. The county attorney shall review and approve the contract and performance guarantee prior to final plat recordation.
3. Driveway buffer crossing for Lot 14 shall be perpendicular, if there's a shared driveway Section 7.4 of the Subdivision Regulations shall apply.
4. Verify Lots 3, 10, 13 and 27 shall have adequate soil area for septic.